

cornmeal; that the defendants had been and were, at the time of the filing of the complaint, receiving such articles which had been shipped in interstate commerce; and that the defendants had been and were placing and causing to be placed in a building infested with rodents, birds, and insects, and had been and were exposing and causing to be exposed to contamination by rodents, birds, and insects, such articles of food while they were held for sale after shipment in interstate commerce.

The complaint further alleged that the acts of placing and causing the foods to be placed in such building and of exposing and causing the foods to be exposed to such contamination resulted in the foods being adulterated within the meaning of 402 (a) (3), in that the foods consisted in part of rodent, bird, and insect filth; and, within the meaning of 402 (a) (4), in that the foods were held under insanitary conditions whereby they may have become contaminated with filth.

The complaint alleged also that the defendants were well aware that their activities were in violation of the law; that various inspections of the defendants' warehouse were made by the Food and Drug Administration, during which the insanitary conditions were brought to the attention of the defendants; that a Notice of Hearing pursuant to section 305 had been issued to the defendants in 1949; and that, despite such warnings, the defendants continued to place and cause the foods to be placed in such building, and to expose and cause the foods to be exposed to contamination.

**DISPOSITION:** On 4-18-55, a stipulation was entered in this action which provided that, in the event the defendants failed to vacate the premises then occupied within a specified period, a consent decree would be entered, perpetually enjoining and restraining the defendants from doing the acts complained of. The defendants having complied with the terms of the aforementioned stipulation, a second stipulation was filed on 7-14-55, providing for the dismissal of the action, the costs of which were to be paid by the defendants.

**22211. Flour and rice.** (F. D. C. No. 35613. S. Nos. 86-330/1 L.)

**INFORMATION FILED:** 3-15-55, N. Dist. Ohio, against Mahoning Valley Flour Co., a corporation, Youngstown, Ohio, and Sylvester E. Santangelo, president.

**ALLEGED VIOLATION:** Between 10-22-53 and 6-17-54, while a quantity of flour and rice was being held for sale after shipment in interstate commerce, the defendants caused the articles to be placed in a building that was accessible to rodents and to be exposed to contamination by rodents, which acts resulted in the articles being adulterated.

**CHARGE:** 402 (a) (3)—contained rodent urine; and, 402 (a) (4)—held under insanitary conditions.

**PLEA:** Guilty.

**DISPOSITION:** 3-25-55. Corporation fined \$400 and individual \$200.

**22212. Flour.** (F. D. C. No. 35598. S. No. 83-746 L.)

**INFORMATION FILED:** 2-10-55, Dist. Minn., against Edward Buchanan, t/a Buchanan Laboratories, Duluth, Minn.

**ALLEGED VIOLATION:** Between 3-15-54 and 4-20-54, while a quantity of flour was being held for sale after shipment in interstate commerce, the defendant caused a quantity of a liquid containing a poisonous rodenticide known as 1080 (sodium monofluoracetate) to be placed in close proximity to the flour under